
UTAH LABOR COMMISSION

EMMANUEL GHULAM,

Petitioner,

vs.

**C. R. ENGLAND, CAMBRIDGE
INTEGRATED SERVICES GROUP
and XL SPECIALTY INSURANCE
COMPANY,**

Respondents.

**ORDER DENYING REQUEST
FOR RECONSIDERATION**

Case No. 07-0338

Emmanuel Ghulam asks the Utah Labor Commission to reconsider its prior decision denying Mr. Ghulam's claim for benefits under the Utah Workers' Compensation Act, Title 34A, Chapter 2, Utah Code Annotated.

The Labor Commission exercises jurisdiction over this matter pursuant to Utah Code Annotated § 63G-4-302.

BACKGROUND AND ISSUES PRESENTED

Mr. Ghulam claims workers' compensation benefits against C. R. England and its insurance carrier, XL Specialty Insurance Co., (referred to jointly as "England" hereafter) for alleged back injuries from a work accident on November 9, 2006. Judge La Jeunesse held an evidentiary hearing and referred the medical aspects of Mr. Ghulam's claim to an impartial panel of medical experts. Then, relying on the panel's report, Judge La Jeunesse denied Mr. Ghulam's claim on the grounds that Mr. Ghulam's work accident did not cause the alleged injuries.

Mr. Ghulam sought Commission review of Judge La Jeunesse's decision, arguing that, because he was not in pain and was able to have an active life prior to his work accident, there must be a causal connection between the accident and his current problems. However, the Commission also found the medical panel's opinion persuasive and, therefore, affirmed Judge La Jeunesse's denial of Mr. Ghulam's claim.

Mr. Ghulam now asks the Commission to reconsider its previous decision. In summary, Mr. Ghulam restates his previous argument that he engaged in physical activity and was able to work prior to his work accident, but now suffers significant back pain and headaches. Mr. Ghulam also references comments from his treating physicians regarding his diagnosis of spinal stenosis and his need for further medical treatment.

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DISCUSSION

As the Commission noted in its previous decision, Mr. Ghulam is entitled to workers' compensation benefits only if the medical evidence establishes that his current problems were caused by his work accident. The Commission notes Mr. Ghulam's argument that he was not in pain and lived an active lifestyle prior to the accident, but suffered pain and physical limitations after the accident. However, such unverified and anecdotal information is not as persuasive as the thorough and well-reasoned opinion of the impartial medical panel which concluded that Mr. Ghulam's alleged medical problems were not caused by the November 9, 2006, work accident. The Commission therefore reaffirms its prior decision denying Mr. Ghulam's claim for benefits.

ORDER

The Commission denies Mr. Ghulam's request for reconsideration. It is so ordered.

Dated this 31st day of December, 2008.

Sherrie Hayashi
Utah Labor Commissioner

NOTICE OF APPEAL RIGHTS

Any party may appeal this Order to the Utah Court of Appeals by filing a Petition For Review with that Court within 30 days of the date of this Order.